

### **REMARKS**

Claims 1 through 32 were presented for examination, and were rejected.

The applicants respectfully traverse the rejections and request reconsideration in light of the following comments.

#### **35 U.S.C. 112 Rejection of Claims 1, 8, 15, and 24**

Claims 1, 8, 15, and 24 were rejected under 35 U.S.C. 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as the invention. The applicants respectfully traverse the rejection.

Claim 1 recites:

**1.** (Previously Amended) A method comprising:  
populating a cache with a resource only when at least *i* requests for said resource have been received;  
wherein *i* is an integer *and is at least occasionally* greater than one.  
(*emphasis supplied*)

The Office action states "it was unclear how and when occasionally the integer is greater than one."

The applicants respectfully submit that the claim fully satisfies 35 U.S.C. 112 and that the limitation "wherein *i* is an integer *and is at least occasionally* greater than one" is perfectly clear and quite definite. It is not necessary for the claim to recite either how or when the integer is greater than one.

For example, if a claim recites "a DC voltage supply with a voltage of *V*," it is not necessary for 35 U.S.C. 112, Second Paragraph, purposes to state when the value of *V* is 5 volts or 10 volts. The language is definite and the scope of the claim is unambiguous.

Furthermore, if a claim recites "a capacitor with a capacitance of *C*," it is not necessary for 35 U.S.C. 112, Second Paragraph, purposes to state how the value of *C* is 20 microfarads. Again, the language is definite and the scope of the claim is unambiguous.

The limitation "wherein *i* is an integer *and is at least occasionally* greater than one" is fully enabled and supported by the present application, and it's scope is unequivocally clear. There is no ambiguity. The public can easily discern whether or not there is a prior art reference that teaches this limitation or not, and the public can easily discern whether or not a potentially-infringing device or method infringes this limitation.

For this reason, the applicants respectfully submit that the rejection of claim 1 is traversed.

Because claims 8, 15, and 24 recite the identical limitation, the applicants respectfully submit that the rejection of them is also traversed.

**35 U.S.C. 103 Rejection of Claims 1-32**

Claims 1 through 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over R.M. Craig et al., U.S. Patent 6,513,112, issued 28 January 2003 (hereinafter "Craig") in view of D. Gaskins et al., U.S. Patent 5,809,562, issued 15 September 1998 (hereinafter "Gaskins"). The applicants respectfully traverse the rejection.

Claim 1 recites:

**1.** (Previously Amended) A method comprising:  
populating a cache with a resource only when at least *i requests for said resource have been received*;  
wherein *i* is an integer *and is at least occasionally* greater than one.  
(*emphasis supplied*)

Nowhere do Craig or Gaskins teach or suggest, alone or in combination, what claim 1 recites – namely that at least *i* requests for said resource have been received, wherein *i* is at least occasionally greater than one. Again, nowhere does Craig or Gaskins teach or suggest delaying the population of a cache with a resource until there have been – at least occasionally – two or more requests for that resource.

The portion of Gaskins that the Office relies on to substantiate an integer greater than 1 deals with the size of a two-dimensional array. This has nothing to do with the number of requests for a resource that are needed before the cache is populated with the resource.

For this reason, the applicants respectfully submit that the rejection of claim 1 is traversed.

Because claims 2 through 7 depend on claim 1, the applicants respectfully submit that the rejection of them is also traversed.

Claim 8 recites:

**8.** (Previously Amended) A data processing system comprising:  
a cache for storing a resource; and  
a processor for populating said cache with said resource only when *at least i requests for said resource have been received*;

wherein  $i$  is an integer and *is at least occasionally greater than one.*  
(emphasis supplied)

For the same reasons as stated with respect to claim 1 above, nowhere do Craig or Gaskins teach or suggest, alone or in combination, what claim 8 recites – namely that at least  $i$  requests for said resource have been received, wherein  $i$  is at least occasionally greater than one.

For this reason, the applicants respectfully submit that the rejection of claim 8 is traversed.

Because claims 9 through 14 depend on claim 8, the applicants respectfully submit that the rejection of them is also traversed.

Claim 15 recites:

**15.** (Previously Amended) A method comprising:  
receiving at a first node in a computer network at least one request for a resource;  
retrieving said resource from a second node in said computer network;  
and  
populating a cache in said first node with said resource only when at least  $i$  requests for said resource have been received at said first node;  
wherein  $i$  is an integer **and is at least occasionally** greater than one.  
(emphasis supplied)

For the same reasons as stated with respect to claim 1 above, nowhere do Craig or Gaskins teach or suggest, alone or in combination, what claim 15 recites – namely that at least  $i$  requests for said resource have been received, wherein  $i$  is at least occasionally greater than one.

For this reason, the applicants respectfully submit that the rejection of claim 15 is traversed.

Because claims 16 through 23 depend on claim 15, the applicants respectfully submit that the rejection of them is also traversed.

Claim 24 recites:

**24.** (Previously Amended) A first node in a computer network, said first node comprising:  
a cache;  
at least one receiver for receiving at least one request for a resource;  
and

a processor for retrieving said resource from a second node in said computer network, and for populating said cache in said first node with said resource only *when at least  $i$  requests for said resource have been received at said first node;*

wherein  $i$  is an integer *and is at least occasionally greater than one.*

*(emphasis supplied)*

For the same reasons as stated with respect to claim 1 above, nowhere do Craig or Gaskins teach or suggest, alone or in combination, what claim 24 recites – namely that at least  $i$  requests for said resource have been received, wherein  $i$  is at least occasionally greater than one.

For this reason, the applicants respectfully submit that the rejection of claim 24 is traversed.


Because claims 25 through 32 depend on claim 24, the applicants respectfully submit that the rejection of them is also traversed.

**Request for Reconsideration Pursuant to 37 C.F.R. 1.111**

Having responded to each and every ground for objection and rejection in the Office action mailed September 1, 2004, applicants request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

Should there remain unresolved issues the applicants respectfully request that Examiner telephone the applicants' attorney at 732-578-0103 x11 so that those issues can be resolved as quickly as possible.

Respectfully,  
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